APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,539	02/19/2002	Michio Okamura	1086.1155	1660

21171   7590   02/19/2010
STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER
GRAHAM, CLEMENT B

ART UNIT	PAPER NUMBER
3691	

MAIL DATE	DELIVERY MODE
02/19/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/076,539	OKAMURA, MICHIO
	Examiner	Art Unit
	Clement B. Graham	3696

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _10/21/09_.

2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1,4,8-9,11,13,17-19, 22, 26,32 and 33_ is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1,4,8,9,11,13,17-19,22,26,32 and 33_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a) ☐ All b) ☐ Some * c) ☐ None of:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____.

        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
           application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

`DETAILED ACTION

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:
        The specification shall conclude with one or more claims particularly pointing out and distinctly
        claiming the subject matter which the applicant regards as his invention.
    Claim 1, 8, 17-19, 26, rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

        In particular, Claims 1, 8, 17-19, 26, states "whenever said payment money amount

exceeds a predetermined stepwise limit line" ", it is unclear as to what happen when the

payment money amount do not exceeds a predetermined stepwise limit line. ...". For further

examination, the examiner interprets the limitation in light of this 112, second rejection.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

        (a) A patent may not be obtained though the invention is not identically disclosed or described as set
        forth in section 102 of this title, if the differences between the subject matter sought to be patented and
        the prior art are such that the subject matter as a whole would have been obvious at the time the
        invention was made to a person having ordinary skill in the art to which said subject matter pertains.
        Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 1, 4, 8-9,11,13,17-19, 22, 26,32 and 33 are rejected under 35 U.S.C.

103(a) as being unpatentable over O'Leary et al (Hereinafter O'Leary U.S Patent: 6,

609, 113) in view of Flitcroft et al (Hereinafter Flitcroft U.S Patent: 7, 571, 142) in view

of O'Connell U.S Pub: 2002/0035539.

        As per claim 1, O'Leary discloses an electronic money processing method for a bank

server which is connected to a terminal apparatus of the user via the Internet and connected via a

mobile phone network to an electronic money card having an interface that can be connected to

said terminal apparatus and a mobile phone function, comprising:

a payment accepting step wherein payment application for electronic money to said electronic

money card in which a payment money amount is specified by the user on said terminal
apparatus and wherein said payment date/time has been set in a manner (see column 10 lines 59-
67 and column 11 lines 1-52) a time lag ("i. e, schedule payments on specific calendar day or
specific number or days" see column 11 lines 28-52") between said payment application
date/time/and a payment execution date/time is increased by said terminal apparatus and is
received from said terminal apparatus via the internet (see column 10 lines 14-35 and column 11
lines 4-52 and column 26 lines 60-67 and column 27 lines 1-15).

O'Leary fail to explicitly teach whenever said payment money amount exceeds a
predetermined stepwise limit line.

However Flitcroft discloses a one time credit card settlement system for use by, e.g.,
teenage children of credit card holders. This system employs a credit card which can be used
only once in which various information such as specific personal information, use conditions,
and an approved credit limit identical to those of the original credit card are recorded on a data
recording element and displayed on the face of the card (see column 7 lines 38-67 and column 3
lines 38-67 and column 7 lines 38-67).

Therefore it would have been obvious to one of ordinary skill in the art at the time the
invention was known to modify the teachings of O'Leary to include whenever said payment
money amount exceeds a predetermined stepwise limit line taught by Flitcroft in order to set card
limits on secondary and master accounts because an issuer would not issuer a card to a user with
out acceptance of credit limits.

O'Leary and Flitcroft fail to explicitly teach a payment executing step wherein when said
payment date/time comes, a telephone call is made to said electronic money card, via said mobile
phone network and when an incoming response is obtained payment of the electronic money is
executed to said electronic money card.

However O'Connell discloses if a discrepancy results between the details of the payment
transaction and the pre-set Values on record with the PCA system, the PCA system provides the
subscriber with an option in the Set-up Process of the Pre-Authorization Function to ask to be
contacted in such situations, for example, by calling the subscriber's mobile phone. If the
subscriber receives a call from the PCA system, the subscriber may approve the payment
transaction values with the PCA system, (see column 10 para 0086 and column para 0091).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was known to modify the teachings of O'Leary and Flitcroft to include a payment executing step wherein when said payment date/time comes, a telephone call is made to said electronic money card, via said mobile phone network establishment of a telephone talk connection is confirmed, and payment of the electronic money is executed taught by O'Connell in order to validate the identity of a payment card user and authorizing payment card transactions.

As per claim 4,   O'Leary discloses a wherein in said payment accepting step, prior to accepting the payment, predetermined user authentication information including an account number and a telephone number obtained from said electronic money card is received from said terminal apparatus and collated with a customer database, and when they coincide as a result of said collation, a next inputting process is authenticated (see column 16 lines 1-7 and lines 36-55 and column 10 lines 14-35 and column 11 lines 4-52 and column 26 lines 60-67 and column 27 lines 1-15).

As per claim 8,   O'Leary discloses a electronic money processing method for a bank server which is connected to a terminal apparatus of the user via the Internet and connected via a mobile phone network to an electronic money card having an interface that can be connected to said terminal apparatus and a mobile phone function, comprising:
a payment accepting step wherein payment application for electronic money to said electronic money card in which a payment money amount is specified by the user on said terminal apparatus is received from said terminal apparatus via the Internet, a payment executing step and a payment date/time is set in a manner (see column 10 lines 59-67 and column 11 lines 1-52) such that as said, a time lag("i. e, schedule payments on specific calendar day or specific number or days" see column 11 lines 28-52") between a payment application date/time at which said payment application has been received and said payment date/time is increased (see column 10 lines 14-35 and column 11 lines 4-52 and column 26 lines 60-67 and column 27 lines 1-15).

O'Leary fail to explicitly teach wherein a predetermined stepwise limit line said accepted payment money amount exceed is determined at a payment accepting unit provided in said bank server determined limit line is higher.

However Flitcroft discloses a one time credit card settlement system for use by, e.g.,

teenage children of credit card holders. This system employs a credit card which can be used only once in which various information such as specific personal information, use conditions, and an approved credit limit identical to those of the original credit card are recorded on a data recording element and displayed on the face of the card (see column 7 lines 38-67 and column 3 lines 38-67 and column 7 lines 38-67).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was known to modify the teachings of O'Leary to include wherein a predetermined stepwise limit line said accepted payment money amount exceed is determined at a payment accepting unit provided in said bank server determined limit line is higher taught by Flitcroft in order to set card limits on secondary and master accounts because an issuer would not issuer a card to a user with out acceptance of credit limits.

O'Leary and Flitcroft fail to explicitly teach when said payment date/time comes, a telephone call is made to said electronic money card, via said mobile phone network and when incoming response is obtained payment of electronic money is executed to said electronic money card.

However O'Connell discloses if a discrepancy results between the details of the payment transaction and the pre-set Values on record with the PCA system, the PCA system provides the subscriber with an option in the Set-up Process of the Pre-Authorization Function to ask to be contacted in such situations, for example, by calling the subscriber's mobile phone. If the subscriber receives a call from the PCA system, the subscriber may approve the payment transaction values with the PCA system, (see column 10 para 0086 and column para 0091).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was known to modify the teachings of O'Leary and Flitcroft to include when said payment date/time comes, a telephone call is made to said electronic money card, via said mobile phone network establishment of a telephone talk connection is confirmed and payment of electronic money is executed taught by O'Connell in order to validate the identity of a payment card user and authorizing payment card transactions.

As per claim 9,   O'Leary discloses further comprising the step of notifying said terminal apparatus of said set payment execution date/time (see column 16 lines 1-7 and lines 36-55 and

column 10 lines 14-35 and column 11 lines 4-52 and column 26 lines 60-67 and column 27 lines 1-15).

As per claim 11, O'Leary discloses wherein in said payment accepting step, prior to accepting the payment, predetermined user authentication information including an account number and a telephone number obtained from said electronic money card is received from said terminal apparatus and collated with a customer database, and when they coincide as a result of said collation, a next inputting process is authenticated (see column 16 lines 1-7 and lines 36-55 and column 10 lines 14-35 and column 11 lines 4-52 and column 26 lines 60-67 and column 27 lines 1-15).

As per claim 13, O'Leary discloses wherein in said payment executing step, if the incoming response is not established in the telephone call to said electronic money card, the execution of the payment is stopped and the payment application is cancelled (see column 16 lines 1-7 and lines 36-55 and column 10 lines 14-35 and column 11 lines 4-52 and column 26 lines 60-67 and column 27 lines 1-15).

As per claim 17, O'Leary discloses a computer-readable recording medium in which a program for processing electronic money has been stored, wherein
said program allows a computer constructing a bank server which is connected to a terminal apparatus of the user via the Internet and connected via a mobile phone network to an electronic money card having an interface that can be connected to said terminal apparatus and a mobile phone function to execute:
a payment accepting step wherein payment application for electronic money to said electronic money card in which a payment money amount is specified by the user on said terminal apparatus and a payment date/time is set in a manner(see column 10 lines 59-67 and column 11 lines 1-52) such that, a time lag ("i. e, schedule payments on specific calendar day or specific number or days" see column 11 lines 28-52") between said payment application date/time and a payment execution date/time is increased by said bank server and is received from said terminal apparatus via the Internet. (see column 10 lines 14-35 and column 11 lines 4-52 and column 26 lines 60-67 and column 27 lines 1-15).

O'Leary fail to explicitly teach whenever said payment money amount exceeds a predetermined stepwise limit line.

However Flitcroft discloses a one time credit card settlement system for use by, e.g., teenage children of credit card holders. This system employs a credit card which can be used only once in which various information such as specific personal information, use conditions, and an approved credit limit identical to those of the original credit card are recorded on a data recording element and displayed on the face of the card (see column 7 lines 38-67 and column 3 lines 38-67 and column 7 lines 38-67).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was known to modify the teachings of O'Leary to include whenever said payment money amount exceeds a predetermined stepwise limit line taught by Flitcroft in order to set card limits on secondary and master accounts because an issuer would not issuer a card to a user with out acceptance of credit limits.

O'Leary and Flitcroft fail to explicitly teach a payment executing step wherein when said payment date/time comes, a telephone call is made to said electronic money card via said mobile phone network, and when an incoming response is obtained payment of the electronic money is executed to said electronic money card.

However O'Connell discloses if a discrepancy results between the details of the payment transaction and the pre-set Values on record with the PCA system, the PCA system provides the subscriber with an option in the Set-up Process of the Pre-Authorization Function to ask to be contacted in such situations, for example, by calling the subscriber's mobile phone. If the subscriber receives a call from the PCA system, the subscriber may approve the payment transaction values with the PCA system, (see column 10 para 0086 and column para 0091).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was known to modify the teachings of O'Leary and Flitcroft to include a payment executing step wherein when said payment date/time comes, a telephone call is made to said electronic money card via said mobile phone network, and when an incoming response is obtained, payment of the electronic money is executed to said electronic money card taught by O'Connell in order to validate the identity of a payment card user and authorizing payment card transactions.

As per claim 18, O'Leary discloses a computer-readable recording medium in which a program for processing electronic money has been stored, wherein said program allows a

computer constructing a bank server which is connected to a terminal apparatus of the user via
the Internet and connected via a mobile phone network to an electronic money card having an
interface that can be connected to said terminal apparatus and a mobile phone function to
execute:

a payment accepting step wherein payment application for electronic money to said electronic
money card in which a payment money amount specified by the user on said terminal apparatus
is received from said terminal apparatus via the Internet and a payment executing step and a
payment date/time is set in a manner (see column 10 lines 59-67 and column 11 lines 1-52)a time
lag ("i. e, schedule payments on specific calendar day or specific number or days" see column
11 lines 28-52") between a payment application date/time at which said payment application has
been received and said payment execution date/time is increased. (see column 10 lines 14-35
and column 11 lines 4-52 and column 26 lines 60-67 and column 27 lines 1-15).

O'Leary fails to explicitly teach wherein a predetermined stepwise limit line said accepted
payment money amount exceed is determined at a payment accepting unit provided in said bank
server such that as said determined limit line is higher.

However Flitcroft discloses a one time credit card settlement system for use by, e.g.,
teenage children of credit card holders. This system employs a credit card which can be used
only once in which various information such as specific personal information, use conditions,
and an approved credit limit identical to those of the original credit card are recorded on a data
recording element and displayed on the face of the card (see column 7 lines 38-67 and column 3
lines 38-67 and column 7 lines 38-67).

Therefore it would have been obvious to one of ordinary skill in the art at the time the
invention was known to modify the teachings of O'Leary to include wherein a predetermined
stepwise limit line said accepted payment money amount exceed is determined at a payment
accepting unit provided in said bank server such that as said determined limit line is higher
taught by Flitcroft in order to set card limits on secondary and master accounts because an issuer
would not issuer a card to a user with out acceptance of credit limits.

O'Leary and Flitcroft fail to explicitly teach when said payment date/time comes, a telephone
call is made to said electronic money card via said mobile phone network, and when an incoming
response is obtained, payment of the electronic money is executed to said electronic money card.

However O'Connell discloses if a discrepancy results between the details of the payment transaction and the pre-set Values on record with the PCA system, the PCA system provides the subscriber with an option in the Set-up Process of the Pre-Authorization Function to ask to be contacted in such situations, for example, by calling the subscriber's mobile phone. If the subscriber receives a call from the PCA system, the subscriber may approve the payment transaction values with the PCA system, (see column 10 para 0086 and column para 0091).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was known to modify the teachings of O'Leary to include when said payment date/time comes, a telephone call is made to said electronic money card via said mobile phone network, and when an incoming response is obtained, payment of the electronic money is executed to said electronic money card taught by O'Connell in order to validate the identity of a payment card user and authorizing payment card transactions.

As per claim 19, O'Leary discloses an electronic money processing method for a terminal apparatus in which an electronic money card having an interface and a mobile phone function is connected to a card slot and which is connected via the Internet to a bank server that is connected to said electronic money card via a mobile phone network, comprising:
an authentication obtaining step wherein predetermined user authentication information including an account number and a telephone number obtained from said electronic money card is transmitted from said terminal apparatus to said bank server via the Internet and authentication is obtained and a payment applying step wherein said bank server is notified of payment application for electronic money to said electronic money card from said terminal apparatus via the Internet in which a payment money amount is specified by the user on said terminal apparatus and a payment date/time set in a manner (see column 10 lines 59-67 and column 11 lines 1-52) such that, is a time lag ("i. e, schedule payments on specific calendar day or specific number or days" see column 11 lines 28-52") between a payment application date/time at which said payment application has been received and said payment execution date/time is increased from by said terminal apparatus (see column 10 lines 14-35 and column 11 lines 4-52 and column 26 lines 60-67 and column 27 lines 1-15).

O'Leary fail to explicitly teach whenever said payment money amount exceeds a predetermined stepwise limit line.

However Flitcroft discloses a one time credit card settlement system for use by, e.g., teenage children of credit card holders. This system employs a credit card which can be used only once in which various information such as specific personal information, use conditions, and an approved credit limit identical to those of the original credit card are recorded on a data recording element and displayed on the face of the card (see column 7 lines 38-67 and column 3 lines 38-67 and column 7 lines 38-67).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was known to modify the teachings of O'Leary to whenever said payment money amount exceeds a predetermined stepwise limit line taught by Flitcroft in order to set card limits on secondary and master accounts because an issuer would not issuer a card to a user with out acceptance of credit limits.

O'Leary and Flitcroft fail to explicitly teach wherein when said payment date/time comes, a telephone call is made from said bank server to said electronic money card and when an incoming response is obtained, the bank server executes payment of the electronic money to said electronic money card.

However O'Connell discloses if a discrepancy results between the details of the payment transaction and the pre-set Values on record with the PCA system, the PCA system provides the subscriber with an option in the Set-up Process of the Pre-Authorization Function to ask to be contacted in such situations, for example, by calling the subscriber's mobile phone. If the subscriber receives a call from the PCA system, the subscriber may approve the payment transaction values with the PCA system, (see column 10 para 0086 and column para 0091).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was known to modify the teachings of O'Leary and Flitcroft to include wherein when said payment date/time comes, a telephone call is made from said bank server to said electronic money card and when an incoming response is obtained, the bank server executes payment of the electronic money to said electronic money card taught by O'Connell in order to validate the identity of a payment card user and authorizing payment card transactions.

As per claim 21, O'Leary discloses wherein in said payment applying step, as said payment money amount is larger, a time lag between said payment application date/time and said

payment date/time is increased (see column 16 lines 1-7 and lines 36-55 and column 10 lines 14-35 and column 11 lines 4-52 and column 26 lines 60-67 and column 27 lines 1-15).

As per claim 22, O'Leary discloses wherein in said authentication obtaining step, said user authentication information includes a name, an address, and a personal identification number inputted by the user in addition to the account number and the telephone number obtained from said electronic money card (see column 16 lines 1-7 and lines 36-55 and column 10 lines 14-35 and column 11 lines 4-52 and column 26 lines 60-67 and column 27 lines 1-15).

As per claim 26, O'Leary discloses a computer-readable recording medium in which a program for processing electronic money has been stored, wherein said program allows a computer constructing a terminal apparatus in which an electronic money card having an interface and a mobile phone function is connected to a card slot and which is connected via the Internet to a bank server that is connected to said electronic money card via a mobile phone network to execute:

an authentication obtaining step wherein predetermined user authentication information including an account number and a telephone number obtained from said electronic money card is transmitted from said terminal apparatus to said bank server via the Internet and authentication is obtained, and a payment applying step wherein said bank server is notified of payment application for electronic money to said electronic money card from said terminal apparatus via the Internet in which a payment money amount is specified by the user on said terminal apparatus and a payment date/time is set in a manner(see column 10 lines 59-67 and column 11 lines 1-52) such that, a time lag ("i. e, schedule payments on specific calendar day or specific number or days" see column 11 lines 28-52") between a payment application date/time at which said payment application has been received and said payment execution date/time is increased by said terminal apparatus (see column 10 lines 14-35 and column 11 lines 4-52 and column 26 lines 60-67 and column 27 lines 1-15).

O'Leary fail to explicitly teach whenever said payment money amount exceeds a predetermined stepwise limit line.

However Flitcroft discloses a one time credit card settlement system for use by, e.g., teenage children of credit card holders. This system employs a credit card which can be used only once in which various information such as specific personal information, use conditions,

and an approved credit limit identical to those of the original credit card are recorded on a data
recording element and displayed on the face of the card (see column 7 lines 38-67 and column 3
lines 38-67 and column 7 lines 38-67).

   Therefore it would have been obvious to one of ordinary skill in the art at the time the
invention was known to modify the teachings of O'Leary to include whenever said payment
money amount exceeds a predetermined stepwise limit line taught by Flitcroft in order to set card
limits on secondary and master accounts because an issuer would not issuer a card to a user with
out acceptance of credit limits.

   O'Leary and Flitcroft fail to explicitly teach and wherein when said payment date/time
comes, a telephone call is made from said bank server to said electronic money card via said
mobile phone network, and when an incoming response is obtained, the bank server executes
payment of the electronic money to said electronic money card .

   However O'Connell discloses if a discrepancy results between the details of the payment
transaction and the pre-set Values on record with the PCA system, the PCA system provides the
subscriber with an option in the Set-up Process of the Pre-Authorization Function to ask to be
contacted in such situations, for example, by calling the subscriber's mobile phone. If the
subscriber receives a call from the PCA system, the subscriber may approve the payment
transaction values with the PCA system, (see column 10 para 0086 and column para 0091).

   Therefore it would have been obvious to one of ordinary skill in the art at the time the
invention was known to modify the teachings of O'Leary and Flitcroft to include and wherein
when said payment date/time comes, a telephone call is made from said bank server to said
electronic money card via said mobile phone network, and when an incoming response is
obtained, the bank server executes payment of the electronic money to said electronic money
card taught by O'Connell in order validate the identity of a payment card user and authorizing
payment card transactions.

   As per claim 32,   O'Leary discloses a method, comprising:
accepting a payment request sent from a terminal inserted with a card device over a data network
by a user having an amount and a desired payment execution time, analyzing the amount and
adding a wait time ("i. e, schedule payments on specific calendar day or specific number or

days" see column 11 lines 28-52") responsive to a size of the amount (see column 10 lines 14-35
and column 11 lines 4-52 and column 26 lines 60-67 and column 27 lines 1-15).

O'Leary fail to explicitly teach and initiating a telephone call after the wait time has elapsed
and requiring connection of the telephone call to the card device to execute the payment.

However O'Connell discloses if a discrepancy results between the details of the payment
transaction and the pre-set Values on record with the PCA system, the PCA system provides the
subscriber with an option in the Set-up Process of the Pre-Authorization Function to ask to be
contacted in such situations, for example, by calling the subscriber's mobile phone. If the
subscriber receives a call from the PCA system, the subscriber may approve the payment
transaction values with the PCA system, (see column 10 para 0086 and column para 0091).

Therefore it would have been obvious to one of ordinary skill in the art at the time the
invention was known to modify the teachings of O'Leary to include and initiating a telephone
call after the wait time has elapsed and requiring connection of the telephone call to the card
device to execute the payment taught by O'Connell in order to validate the identity of a payment
card user and authorizing payment card transactions.

As per claim 33, O'Leary discloses wherein said payment executing step, if the incoming
response is not established in a telephone call to said electronic (see column 10 lines 14-35 and
column 11 lines 4-52 and column 26 lines 60-67 and column 27 lines 1-15).

Conclusion
RESPONSE TO ARGUMENTS

6.   Applicant's arguments filed 10/21/09 has been fully considered but they are moot in view
of new grounds of rejections.

7.   Applicant's claims 1, 8, 17-19, 26, states "whenever said payment money amount exceeds
a predetermined stepwise limit line" when said payment date/time comes "when an incoming
response is obtained" further clams 1, 8, 17-19, states in the preamble "an interface that can be
connected to said terminal apparatus and a mobile phone ".

However the subject matter of a properly construed claim is defined by the terms that limit its
scope. It is this subject matter that must be examined. As a general matter, the grammar
and intended meaning of terms used in a claim will dictate whether the language limits the
claim scope. Language that suggests or makes optional but does not require steps to be

performed or does not limit a claim to a particular structure does not limit the scope of a
claim or claim limitation. The following are examples of language that may raise a question
as to the limiting effect of the language in a claim:

(A)　　statements of intended use or field of use,

(B)　　"adapted to" or "adapted for" clauses,

(C)　　"wherein" clauses, or

(D)　　"whereby" clauses.

This list of examples is not intended to be exhaustive. See also MPEP § 2111.04.

**>USPTO personnel are to give claims their broadest reasonable interpretation in light
of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023,
1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the
claim should not be read into the claim. E-Pass Techs., Inc. v. 3Com Corp., 343 F.3d
1364, 1369, 67 USPQ2d 1947, 1950 (Fed. Cir. 2003) (claims must be interpreted "in
view of the specification" without importing limitations from the specification into the
claims unnecessarily). In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-
551 (CCPA 1969). See also In re Zletz, 893 F.2d 319, 321-22, 13 USPQ2d 1320,
1322 (Fed. Cir. 1989) ("During patent examination the pending claims must be
interpreted as broadly as their terms reasonably allow.... The reason is simply that during
patent prosecution when claims can be amended, ambiguities should be recognized, scope
and breadth of language explored, and clarification imposed.... An essential purpose of
patent examination is to fashion claims that are precise, clear, correct, and unambiguous.
Only in this way can uncertainties of claim scope be removed, as much as possible, during
the administrative process.").<

Where an explicit definition is provided by the applicant for a term, that definition will
control interpretation of the term as it is used in the claim. Toro Co. v. White
Consolidated Industries Inc., 199 F.3d 1295, 1301, 53 USPQ2d 1065, 1069 (Fed.
Cir. 1999) (meaning of words used in a claim is not construed in a "lexicographic
vacuum, but in the context of the specification and drawings."). Any special meaning
assigned to a term "must be sufficiently clear in the specification that any departure from
common usage would be so understood by a person of experience in the field of the

invention." Multiform Desiccants Inc. v. Medzam Ltd., 133 F.3d 1473, 1477,

45 USPQ2d 1429, 1432 (Fed. Cir. 1998). See also MPEP § 2111.01.

8.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

        A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

9.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Clement B. Graham whose telephone number is 571-

272-6795. The examiner can normally be reached on 7am to 5pm.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CG   /Alexander Kalinowski/
February 9, 2010   Supervisory Patent Examiner, Art
                                                        Unit 3691